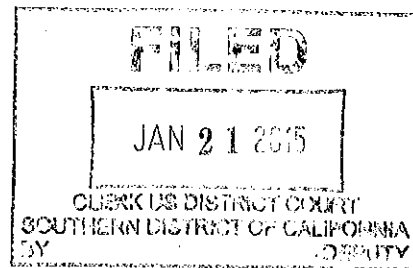


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



-----X
PAUL R. LEISURE, JR.,

Plaintiff,

'15 CV 0133 GPC KSC

COMPLAINT

-against-

UNITED STATES OF AMERICA,

Defendant.

-----X

Plaintiff, PAUL R. LEISURE, JR., complaining of the defendant, UNITED STATES OF AMERICA, respectfully alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF

1. This medical malpractice action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671, et. seq. On July 6, 2010, an administrative claim was filed with the Department of Veterans Affairs. On July 8, 2011, a request for reconsideration was filed with the Office of the General Counsel, Department of Veterans Affairs. On July 23, 2014, the Office of the General Counsel issued a denial of the administrative claim.

2. Plaintiff PAUL R. LEISURE, JR. currently resides in San Diego County at 2555 K Street, San Diego, California 92102.

3. Veterans Affairs Medical Center, Phoenix, Arizona, and its Clinics, and their agents, partners, servants, employees and/or associates were, at all times relevant herein, and still

are, owned, operated, managed and under the exclusive control of the Department of Veterans Affairs, an agency of the defendant, UNITED STATES OF AMERICA.

4. During July and August 2009, plaintiff, PAUL R. LEISURE, JR., received medical care and treatment provided by the agents, servants, partners, employees and/or associates of the defendant, UNITED STATES OF AMERICA, at Veterans Affairs Medical Center, Phoenix, Arizona and its clinics.

5. Defendant, UNITED STATES OF AMERICA, through its agents, servants, partners, employees and/or associates, was expected to render standard, proper and careful medical care and treatment, in accordance with good and accepted medical practices, methods, standards and procedures.

6. Defendant, UNITED STATES OF AMERICA, through its agents, servants, partners, employees and/or associates, departed from good and accepted medical care and treatment, and the physicians and other personnel at Veterans Affairs Medical Center, Phoenix, Arizona and its Clinics, were negligent and careless in said care and treatment, and said care and treatment was not in accordance with good and accepted medical practices then and there existing.

7. Defendant, UNITED STATES OF AMERICA, through its agents, servants, partners, employees and/or associates was careless and negligent in that its personnel negligently prescribed and/or administered Fluphenazine Decanoate and failed to appropriately diagnose and/or treat Neuroleptic Malignant Syndrome thereby causing serious personal injuries and damages to the plaintiff all of which was avoidable by the exercise of due and reasonable care on the part of the defendant herein without the plaintiff being contributorily negligent thereto.

8. By reason of the above premises, plaintiff, PAUL R. LEISURE, JR., was caused to suffer severe and irreparable personal injuries and damages, which were otherwise avoidable by the exercise of due and reasonable care, and as such, plaintiff, PAUL R. LEISURE, JR., specifically sets forth a substantial cause of action for damages in the amount of Twenty Million Dollars (\$20,000,000.00).

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF

9. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the First Cause of Action as if set forth in full herein.

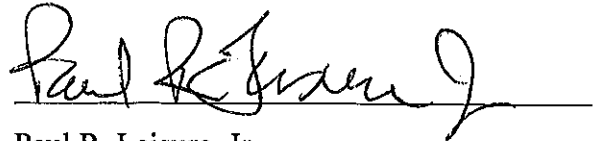
10. That at no time was the plaintiff ever advised, either orally or in writing, of the possible risks and dangers nor the possibility of permanent damage to the body of the plaintiff, PAUL R. LEISURE, JR., with regard to the care being rendered to him, nor was he ever advised that he may suffer severe personal injuries and damages, and had the defendant, UNITED STATES OF AMERICA, or any of its agents, servants, partners, employees and/or associates, informed or advised the plaintiff of the possible risks involved, the plaintiff would not have been lulled into a false sense of security and would not have consented to the treatment rendered to plaintiff, PAUL R. LEISURE, JR., all of which resulted in injuries and damages to the plaintiff herein.

11. That by reason of the above premises, the medical care and treatment rendered and afforded to the plaintiff, PAUL R. LEISURE, JR., was without first obtaining an informed consent, and, as such, the plaintiff has been damaged, and sets forth a substantial cause of action in the amount of Twenty Million Dollars (\$20,000,000.00).

WHEREFORE, plaintiff, PAUL R. LEISURE, JR., demands judgment of the defendant, UNITED STATES OF AMERICA, in the total amount of Twenty Million Dollars (\$20,000,000.00).

Dated: San Diego, California

January 19, 2015

A handwritten signature in black ink, appearing to read "Paul R. Leisure, Jr.", written over a horizontal line.

Paul R. Leisure, Jr.

2555 K Street

San Diego, CA 92102

(619) 228-9586